

Article - Environment

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§15–1108.

(a) The Department is authorized to acquire any land, by purchase, donation, or condemnation, which is adversely affected by past coal mining practices if it is determined that acquisition of such land is necessary to successful reclamation and that:

(1) The acquired land, after restoration, reclamation, abatement, control, or prevention of the adverse effects of past coal mining practices, will serve recreation and historic purposes, conservation and reclamation purposes or provide open space benefits; and

(2) Permanent facilities such as a treatment plant or a relocated stream channel will be constructed on the land for the restoration, reclamation, abatement, control, or prevention of the adverse effects of past coal mining practices; or

(3) Acquisition of coal refuse disposal sites and all coal refuse thereon will serve the purposes of this subtitle, or that public ownership is desirable to meet emergency situations and prevent recurrences of the adverse effects of past coal mining practices.

(b) The total price paid for land acquired under this section shall reflect the market value of the land as adversely affected by past coal mining practices.

(c) Title to all lands acquired pursuant to this section shall be in the name of the State.

(d) Land acquired pursuant to this section, or land already in State ownership which is determined to be in need of reclamation, may be reclaimed as follows:

(1) The Department may proceed to reclaim such land in accordance with this subtitle;

(2) The Department may sell such land to the federal government on the condition that it be reclaimed in accordance with Title IV of the federal Surface Mining Control and Reclamation Act of 1977; or

(3) If land is deemed to be suitable for industrial, commercial, residential, or recreational development, the Department may sell it by competitive bidding upon condition that its use be consistent with local and State land use plans and that all adverse effects of past coal mining practices have been or will be eliminated.

(e) In addition to the authority contained above, the Department may acquire land by purchase, donation or condemnation and reclaim and transfer such land to any local government, person, firm, association, corporation or other entity, if it is determined that such action is an integral and necessary element of an economically feasible plan for a project to construct or rehabilitate housing for persons:

(1) Disabled as the result of employment in the mines or work incidental thereto;

(2) Displaced by the acquisition of land pursuant to this subtitle;

(3) Dislocated as the result of adverse effects of coal mining practices which constitute an emergency situation endangering the public health, safety, or general welfare; or

(4) Dislocated as the result of natural disasters or catastrophic failures from any cause.

Land transferred pursuant to this subsection need not be at fair market value; provided that no profit shall accrue to any entity due to the difference between fair market value and the price required by the Department. No part of any moneys available under this subtitle may be used to pay actual construction costs of housing.

(f) Any and all purchase, sale, or transfer of land pursuant to this subtitle shall be by action of the Board. All funds received by the State from the sale of land shall be credited to the Federal-State Reclamation Fund.

(g) In all cases where land is acquired pursuant to this subtitle, the Department shall hold a public hearing in the county in which the land is located, for the purpose and at a time which will ensure that local citizens and governments may participate in the decision concerning the proper use or disposition of the land after restoration.

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